

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KELLY R. ETZEL,

Defendant.

CR 13–31–M–DLC

ORDER


United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on December 9, 2013. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Lynch recommended this Court accept Kelly R. Etzel's guilty plea after Etzel appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to two counts of distributing a Schedule II controlled substance, and aiding and abetting the same in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2, as set forth in Counts II and XI of the Indictment filed against her. In exchange for Defendant's plea, the United States has agreed to dismiss Counts I and III-X of the Indictment.

I find no clear error in Judge Lynch's Findings and Recommendation (Doc. 21), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Kelly R. Etzel's motion to change plea (Doc. 13) is GRANTED.

DATED this 2<sup>nd</sup> day of January, 2014.

  
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Dana L. Christensen, Chief District Judge  
United States District Court